UCO Bank vs. Harish Chander

Ex. Petition No. 12 of 2000

19.09.2022 Present: Mr. Sanjay Dalmia, Advocate, for the non-applicant.

Mr. Arvind Sharma, Advocate for the applicant/respondent No.2 (a) and proforma applicants.

OMP No. 644 of 2022

By way of instant application, filed under Order 1, Rule 10 CPC read with Section 151 of CPC, prayer has been made on behalf of non-applicant/JD for his substitution in place of deceased respondent/JD Shri Beeja Ram son of late Shri Bhangi. No reply is intended to be filed on behalf of the non-applicant.

It has been averred in the application that JD No.2 Beeja Ram has expired on 23.03.2007 and his estate has been inherited by persons details in para-2 of the application.

Since, persons proposed to be substituted in place of deceased JD No.2 Shri Beeja Ram are the legal representatives of deceased and the right to sue in their favour, prayer made in the application deserves to be considered.

Consequently, in view of the above, this Court finds no impediment in accepting the prayer made in the application, accordingly, the same is allowed and the persons detailed in para-2 of the application are ordered to be substituted in the place of deceased respondent/JD Beeja Ram, whose name is ordered to be deleted from the array of parties.

Application stands disposed of.

OMP No. 643 of 2022

By way of instant application, filed under Order 21, Rule 55 CPC readwith Section 151 of CPC, prayer has been made on behalf of applicant No. 2(a) to 2(f) and 2(g)(i) to 2(g) (vii) for release of property attached vide Rapat No. 491, dated 05.09.2000 in Case No. 31/1996. It has been averred in the application that since entire loan amount stands paid and non-applicant/DH has already issued the receipt, property ordered to be attached be deserves to be released. On 09.09.2022, Mr. Sanjay Dalmia, Advocate, was given time to ascertain the factual position. Today, he states that no record is available with the bank and as such this court may pass appropriate order.

Having carefully perused, the averments made in the application, which is duly supported by an affidavit as well as documents annexed therewith, this Court finds that pursuant to order passed by this Court, property sought to be released in favour of the applicant came to be attached vide Rapat No. 491. Since all disputes inter se parties stand resolved amicably, as is evident from NOC dated 02.08.2004 Annexure A-4, there appears to be no impediment in allowing the instant application and accordingly the same is allowed.

Consequently, property attached vide Rapat No. 491 dated 05.09.2000 is ordered to be released.

The application stands disposed of.

OMP No. 645 of 2022

For the reasons stated in the application, the same is allowed and the applicant is exempted from filing translated and typed copies of Annexure PA-1 to A-6.

The application stands disposed of.

(Sandeep Sharma)
Judge

September 19, 2022
(subhash)